

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANTONIO ROMO,

Plaintiff,

v.

Civ. No. 23-0686-KG-SCY

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BERNALILLO, *et al*,

Defendants.

ORDER OF DISMISSAL

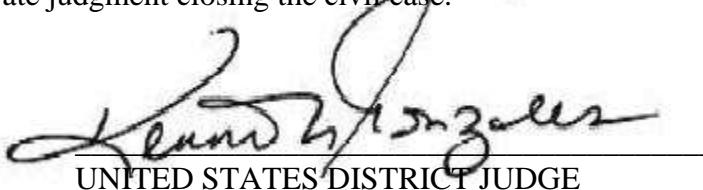
This matter is before the Court following Plaintiff Antonio Romo's failure to cure deficiencies in his prisoner civil rights action. Plaintiff is a state inmate and is proceeding *pro se*. In the opening Letter-Pleading, he alleges Defendants violated his constitutional rights and requests forms to file a lawsuit. (Doc. 1). On August 18, 2023, the Clerk's Office mailed Plaintiff a blank civil rights complaint and a blank motion to proceed *in forma pauperis*. He did not initially respond. By an Order entered October 13, 2023, the Court directed Plaintiff to return a completed complaint and address the civil filing fee within thirty days. (Doc. 2). The Order instructed that any *in forma pauperis* motion must include an inmate account statement reflecting transactions for a six-month period. *See* 28 U.S.C. § 1915(a)(2) (requiring the inmate account statement in all cases where the plaintiff is incarcerated). Plaintiff was warned that the failure to timely comply with both directives (*i.e.*, filing a complaint and addressing the fee requirement) may result in dismissal of this case without further notice.

The deadline to file a complaint and address the civil filing fee was November 13, 2023.

Plaintiff did not fully comply with either requirement. He filed a Motion to Proceed *In Forma Pauperis*, but he did not attach an inmate account statement. (Doc. 3). Moreover, Plaintiff did not file a complaint in this case or show cause for such failure. Accordingly, the Court will dismiss the Letter-Pleading (Doc. 1) without prejudice under Fed. R. Civ. P. 41(b) for “failure to prosecute [and] … comply with court orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787 Fed. App’x 542, 543 (10th Cir. 2019) (affirming dismissal order where plaintiff failed to “address[] the inmate account statement”). The Court will also deny as moot Plaintiff’s pending Motion to Proceed *In Forma Pauperis*. (Doc. 3).

IT IS ORDERED:

1. Plaintiff Antonio Romo’s Letter-Pleading Raising Constitutional Violations (Doc. 1) is dismissed without prejudice.
2. Plaintiff’s Motion to Proceed *In Forma Pauperis* (Doc. 3) is denied as moot.
3. The Court will enter a separate judgment closing the civil case.



LEONARD W. ZALES
UNITED STATES DISTRICT JUDGE